

CRM-M-41225-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-41225-2025

Date of Decision : 30.10.2025

BHIMI RAM

.... PETITIONER

V/S

STATE OF HARYANA

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

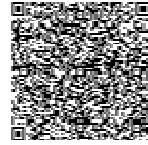
Present : Mr.Amarsh Dudeja, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J. (Oral)

1. The petitioner is seeking regular bail in FIR No.0216 dated 06.09.2024, under Section 20B, 61, 85 of NDPS Act, 1985 registered at Police Station GRP Ambala Cantt, District Ambala.

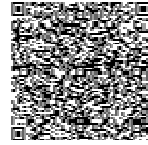
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In the FIR, the name of Noop Ram was mentioned instead of present petitioner. A false case has been planted upon him and his name was mentioned in the recovery memo by pen whereas the remaining documents are typed one. It is contended that the entire case of the prosecution is based upon a secret information and no independent witness was associated at the time of alleged recovery, which renders the prosecution story doubtful. It is further argued that the petitioner was allegedly apprehended on the spot, however, compliance of mandatory provisions under Sections 42 and 50 of the NDPS Act has not been carried



out in true letter and spirit, vitiating the entire proceedings. It is further submitted that the petitioner is in custody since 06.09.2024 and no purpose would now be served by keeping him incarcerated, particularly when the *challan* already stands presented, no further recovery is to be effected from him and trial is likely to take considerable time to conclude. It is argued that the petitioner has clean antecedents and is not involved in any other case and his further incarceration would amount to pre-trial punishment.

3. Status report by way of affidavit of Rajesh Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt filed on behalf of State is taken on record.

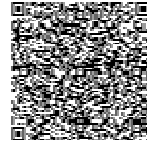
4. On the other hand, learned State counsel opposed the present petition and submitted that name of the present petitioner was mistakenly mentioned as Noop Ram in FIR and Memo of his search. Learned counsel clarified the Court that on the date of arrest of the present petitioner, two persons were simultaneously arrested in two different cases bearing FIR No. 215 and 216, one of them was present petitioner (i.e. Bhimi Ram) and another was Noop Ram and as per secret information both the aforesaid persons belong to Himachal Pradesh and supplied contraband to one Sohan who ran away from the spot. Due to the typographical mistake, name of the present petitioner was mentioned as Noop Ram. Learned counsel further contended that the petitioner has been apprehended on the basis of secret information and a recovery of 1 kg 214 grams of charas (commercial quantity) has been effected from his conscious possession. It is submitted that due compliance of Sections 42 and 50 of the NDPS Act has been made at the spot and the proceedings were duly conducted in the presence of a



Gazetted Officer. It is further contended that the investigation has already culminated in filing of *challan*, there is sufficient material on record indicating involvement of the petitioner and the allegations are of a serious nature affecting the society at large. It is therefore prayed that the petition may be dismissed.

5. Heard.

6. This court has heard the contentions raised by learned counsel for the petitioner as well as state counsel. It has been clarified by the learned counsel that name of the present petitioner was mentioned as Noop Ram in the FIR and in the search memo because of typographical error. Ergo, the contention of the learned counsel for petitioner qua error of name does not find help to the petitioner in support of his bail petition. Moreover, the quantity of the contraband i.e. charas, recovered from the possession of the present petitioner falls under the category of the commercial category i.e. 1 Kg 214 grams and rigours of section 37 of the NDPS are attracted. The menace of drug abuse has assumed alarming proportions in recent years, posing a grave threat to the health and well-being of society, particularly the younger generation. The increasing prevalence of narcotic and psychotropic substances across the country has had devastating social, economic, and moral consequences. In this backdrop, the legislature, through the NDPS Act, has consciously imposed stringent provisions to curb this growing menace and has placed serious restrictions on the grant of bail under Section 37 of NDPS. In view of the above this court does not find any merit in the present petition to grant concession of bail to the present petitioner.



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7. In view of the above, this Court finds no merit in the present petition and the same is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

30.10.2025

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No